

July 3, 2024

VIA ECF

The Honorable Dale E. Ho
U.S. District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *United States v. M/Y Amadea*, No. 23-cv-9304 (DEH)

Dear Judge Ho:

Pursuant to the Court's May 24, 2024 Order, Plaintiff United States of America ("the Government") and Claimants Eduard Khudainatov and Millemarin Investments Ltd. ("Claimants") submit this joint letter "confirming that they have complied with the party discovery deadline." *See* ECF No. 104 at 3.

The Government's Position: The Government confirms that it has produced all documents in its possession, custody, or control that are responsive to Claimants' discovery requests and thereby has complied with the party discovery deadline.¹ To the extent that the Government receives additional responsive materials in the future, it will produce them promptly. The Government also wishes to inform the Court that it served a supplemental set of document requests on Claimants on June 27, 2024, and of course does not expect Claimants to produce records responsive to those requests until the responses are due on July 29, 2024. The supplemental set consists of five document requests largely related to topics raised in Claimants' opposition to the Government's motion to strike.

The Government also intends to renew its May 3, 2024 motion to compel the production of documents responsive to RFP No. 29, which requested information about Claimant Khudainatov's finances since January 1, 2012, and will be making a separate application to the Court in this regard.

Claimants' Position: Claimants are preparing to make another document production to the government today. Upon that production, Claimants confirm that they will have produced all non-privileged party documents that are responsive to the government's discovery requests, and have thereby complied with the party discovery deadline.² However, Claimants wish to bring

¹ There is a very small number of documents for which the Government is still making privilege assessments and/or waiting for English translations to assess relevance. Such documents represent, conservatively, less than .01% of the Government's productions to date.

² Like the government, counsel for Claimants note that we are still making privilege assessments with respect to a small number of documents.

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two caveats to the Court's attention. First, as noted above, the government served a supplemental set of document requests on Claimants on Friday, June 27, 2024, our responses to which are not due until July 29, 2024. Second, as Your Honor is aware, Claimants had submitted a Letter of Request pursuant to the Hague Convention for the Taking of Evidence Abroad for documents from Ms. Olga Kroon, which Your Honor approved. Ms. Kroon is the sole outside director of Millemarin Investments, Ltd. While Millemarin Investments, Ltd. is a claimant, Ms. Kroon is a citizen and resident of Switzerland, and is unable to take actions to benefit Mr. Khudaiantov, as he is subject to sanction in the European Union as a matter of Swiss law. As a result, at this time, we are bound by the timing of the Swiss Authorities to issue its formal process to Ms. Kroon to compel her to produce documents as Millemarin's sole outside director.

We thank the Court for its consideration of this submission.

Respectfully Submitted,

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